

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
Hopkins, Frederick Lee Jenkins, Mary §
Jenkins, Tavish Kelly, Donna Knezevich, §
Joseph Knezevich, Doris Lee, Lauren Lynch, §
Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Philley, Grant Sowell, Sybil Tribble, Laura §
VanOverschelde, and Elaine Vechorik §

Plaintiffs,

V.

The Honorable Delbert Hosemann, in his official capacity as Secretary of State for the State of Mississippi, The Republican Party of Mississippi, Copiah County, Mississippi Election Commission, Hinds County, Mississippi Election Commission, Jefferson Davis County, Mississippi Election Commission, Lauderdale County, Mississippi Election Commission, Leake County, Mississippi Election Commission, Madison County, Mississippi Election Commission, Rankin County, Mississippi Election Commission, Simpson County, Mississippi Election Commission, and Yazoo County, Mississippi Election Commission

Defendants.

Cause No. 3:14-cv-00532-HTW-LRA

SUMMARY JUDGMENT EXHIBITS – VOLUME 5

Exhibit	Description
12	Declaration of Susan Morse and Incident Reports
13	Declaration of Roy Nicholson
14	Harding Affidavit
15	July 26, 2014 E-Mail Correspondence from Amanda Frusha
16	Press Release from The Honorable Delbert Hosemann

17	Attorney General Opinion No. 94-0699 dated November 2, 1994
18	E-Mail Correspondence from Kimberly Turner

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Plaintiffs,
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The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

Cause No. 3:14-cv-00532-HTW-LRA

DECLARATION

By: Susan Morse

1. I, Susan Morse, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See* 28 U.S.C. § 1746.
2. In the days following the June 24 Republican Primary Run-Off Election, I was part of a group of True the Vote volunteers who requested access to voting records from Leake County. The purpose of my request was to determine whether or not voters who had voted in the Democratic Primary unlawfully double voted in

the Republican Primary Run-Off Election and whether any other irregularities had occurred during the Election.

3. I made an oral request at the Leake County circuit clerk's office on July 7, 2014 for voter pollbooks and absentee ballot applications and envelopes, and absentee ballot request forms. I made the request, along with Ellen Swenson to Kathy Henderson, the Circuit Clerk of Leake County. In making my request, I mentioned the request was made under the NVRA. After speaking with the attorney general's office, the clerk denied our request for complete records. She cited Mississippi Code 23-15-911 in denying our request.

4. I reduced my request to writing that day. I made a written request to the Leake County Circuit Clerk for lists of the Republican and Democratic voters who voted in their respective primary and run-off elections in person or by absentee ballot.

5. We returned to the Circuit Clerk's office on the afternoon of July 7, 2014 and asked for the attorney general's opinion regarding pollbooks and voter records Ms. Henderson had referenced in our prior conversations. Ms. Henderson was unable to provide such an opinion but informed us she would call us later to discuss our request.

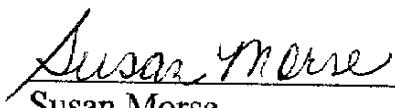
6. The following day, on July 8, 2014, Ms. Henderson phoned me regarding our visit. She informed me we could return for a disc containing some of the information requested. We could also return to view pollbooks but with redactions.

7. Attached to this declaration are true and correct copies of the incident reports I completed regarding my requests for records from Leake County. The reports are filled out in my own handwriting and I recognize the writing as a true and correct copy of the report I completed based on its appearance, contents and substance.

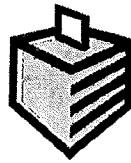
8. The attached incident reports were prepared by me to describe the events that occurred during my visits. I made the reports immediately after the events described therein and when those events were fresh in my memory. Upon completing the reports, I gave them to True the Vote to maintain in its records.

9. Further, declarant sayeth not.

Signed on this the 6th day of August, 2014.



Susan Morse



TRUE *the* VOTE

INCIDENT REPORT

NAME *Susan Moore*

DATE *July 9, 2014*

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD # *71c*

POLLING PLACE NAME *Leake County Precinct Polling*

ADDRESS *101 Court Square*

CITY *Carthage*

STATE *MS*

ZIP *39051*

COUNTY *Leake*

Please complete the fields below using your notes.

POLL SUPERVISOR *Leake Co. Precinct Poll - Rocky D. Henderson*

ASST POLL SUPERVISOR *71c*

CLERK 1 NAME *71c*

CLERK 2 NAME

CLERK 3 NAME *71c*

CLERK 4 NAME

OFFENDER POSITION

71c

DATE/TIME OF INCIDENT

July 9, 2014

Continue to Second Page

EXHIBIT 12-A

7/9/14
July 9, 2014

TRUE the VOTE

TYPE OF INCIDENT	Refusal of Request To Deposit Absentee Application D B Related Document
DESCRIPTION OF INCIDENT	<p>Clark Henderson called me on 9/01/14, at 76. See if we could talk. We came back to view the Poll Books today. I told her I didn't think so as we needed to inspect the absentee ballot apps, Request for an ^{and} the Absentee Ballot envelope. She said "I'll take you. I can let you see them. She asked what I did for her if she decided to come. She did not mention the electronic Veto Request today & whether she did it.</p>

REMEDY OR ACTION TAKEN	
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I certify and affirm that the above information is true and correct.

SIGNATURE	<i>John Morris</i>	July 9, 2014
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Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org



415 N. 5th Ave
Laurel
BART GAVIN
Circuit Clerk - Jones County

1st Judicial District
101 N. Court Street, Suite B
Ellisville, MS 39437
(601) 477-8538
Fax (601) 477-8539

2nd Judicial District
P.O. Box 1336
Laurel, MS 39441
(601) 425-2556
Fax (601) 399-4774



MELISSA DUCKWORTH
COVINGTON COUNTY
CIRCUIT CLERK
mduckworth@covingtoncountyms.gov

101 Main & Dogwood
P.O. Box 667
Collins, MS 39428

(P) 601-765-6506
(F) 601-765-5012

Office Hours: M-F 8:00 A.M. - 5:00 P.M.

601 862-8978



Kathy G. Henderson
Leake County Circuit Clerk

P.O. Box 67
Carthage, MS 39051

Phone: 601-267-8357
Fax: 601-267-8889

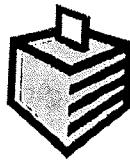


MELISSA DUCKWORTH
COVINGTON COUNTY
CIRCUIT CLERK
mduckworth@covingtoncountyms.gov

101 Main & Dogwood
P.O. Box 667
Collins, MS 39428

(P) 601-765-6506
(F) 601-765-5012

Office Hours: M-F 8:00 A.M. - 5:00 P.M.



TRUE the VOTE

INCIDENT REPORT

NAME Susan Morse

DATE July 8, 2014

Please complete the fields below using the notes from your activities as a poll watcher.

PRECINCT/WARD # n/a

POLLING PLACE NAME Deale County, Circuit Court, Mississippi

ADDRESS 101 Court Square

CITY Cartago **STATE** MS **ZIP** 39051

COUNTY Deale

Please complete the fields below using your notes.

POLL SUPERVISOR Deale Co Circuit Clerk, Ruth B. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a **CLERK 2 NAME** n/a

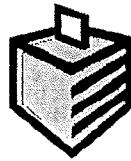
CLERK 3 NAME n/a **CLERK 4 NAME** n/a

OFFENDER POSITION n/a

DATE/TIME OF INCIDENT July 8, 2014

Continue to Second Page

EXHIBIT 12-B



TRUE the VOTE

TYPE OF INCIDENT

Refusal for Inspection of Absentee Application & Related Documents

DESCRIPTION OF INCIDENT

Clerk Nathy Henderson called me this morning at approximately 9:43 a.m. to say we could come in to the office today and view the Poll Books but could not view the Absentee Ballot Applications, Absentee Ballot Request Forms or the Absentee Ballot Envelopes. She asked where we were going ref - I ~~said~~ said I wasn't sure yet. She said Election Commissioners were there today & would wait for us if we would come today to view Poll Books. I told her I couldn't tell her that. She said She would be there tomorrow also.

REMEDY OR ACTION TAKEN

Electronic request was granted & we could just walk in when we came back ~~not~~ to view Poll Books. The fee would be \$100 & did we want it - I said yes we wanted it & would give the \$100 to her - she was not sure if we would be looking at Poll Books or not. Sure if we would be looking at Poll Books as we believe we are authorized to review all the docs we requested - She said AG gave us his opinion & she couldn't let us do that - I told her I would let her know about this.

I certify and affirm that the above information is true and correct. (including attachments)

Continued on Pg 2 →

SIGNATURE

Susan Morse

July 8, 2014

Mail To:
True the Vote
 P.O. Box 27378
 Houston, Texas 77227

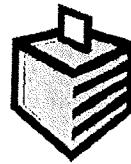
Scan and E-mail to:
 info@truethevote.org

Attachment to TTV Incident Report

July 8, 2014

She also mentioned I should call AG and
have him tell me or get our request for
his denial in writing - I told her I thought she
didn't want me to do that - She said Well
I have withdrawn that & I think you should
call & talk to him directly.

Susan Morris
(408) 482-4663



TRUE *the* VOTE

INCIDENT REPORT

NAME Susan Morse

DATE July 7, 2014

Please complete the fields below using the notes from your activities as a poll watcher.

PRECINCT/WARD # []

POLLING PLACE NAME Leake County Circuit Court, Mississippi

ADDRESS 101 Court Square

CITY Carthage

STATE MS

ZIP 39051

COUNTY Leake

Please complete the fields below using your notes.

POLL SUPERVISOR Leake Co. Circuit Clerk, Rocky G. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a

CLERK 2 NAME n/a

CLERK 3 NAME n/a

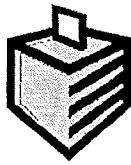
CLERK 4 NAME n/a

OFFENDER POSITION n/a

DATE/TIME OF INCIDENT July 7, 2014

Continue to Second Page

EXHIBIT 12-C



TRUE the VOTE

TYPE OF INCIDENT

Request of AG opinion in writing.

DESCRIPTION OF INCIDENT

at 11:15 p.m. I went back into Clerk's Office & ask Ms. Henderson for a written of A.G.'s. opinion refusing us to inspect the Ballot Box documents & Ball books. She said you want something in writing? I told her yes I did & she could write it for us & state what the A.G. told you to tell us. She responded & said, I'm not writing that, best will ask the AG to write it for you. But if you are asking for a written opinion letter what could take along time. Let me see if I can get something for you.

REMEDY OR ACTION TAKEN

8/14 Later she called me & said she was writing the AG's issue (letter req.) & she would give me a number to call him myself if I wanted to.
I did not call her back as I read the msg. late in the afternoon of 5 p.m.

I certify and affirm that the above information is true and correct.

SIGNATURE

Mail To:
True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
Info@truethevote.org

Public Records Request

July 7, 2014

To: Deake County, Circuit Clerk, Mississippi

From: Susan Morse, Free The Vote, Citizen

Re: Request for Public Records as follows:

1. Lists of all Republican Voters who voted in the June 3, 2014 primary, by Precinct

- in person on election day
- via absentee ballot

2. Lists of all Democrat Voters who voted in the June 3, 2014 primary, by Precinct

- in person on election day
- via absentee ballot

3. Lists of all Democrat Voters who voted in the June 24th, 2014 Run off, by Precinct

- in person on election day
- via absentee ballot

4. Lists of all Republican Voters who voted in the June 24th Run off, by Precinct

- in person on election day
- via absentee ballot

Public Records Request - Pg 2

July 7, 2014

Format -

Please provide the above requested lists/documents in #1-4 above as follows:

- non PDF format (Excel, preferred)
- Emailed to taylor@truethevote.org

For questions contact v.pullen@entouch.net
or you can reach ^{Susan Morse} ~~me~~ at (408) 482-4663

Susan Morse
July 7, 2014



TRUE the VOTE

INCIDENT REPORT

NAME Susan Morse

DATE July 7, 2014

Witness: Ellen Stevens

Please complete the fields below using the notes from your activities as a poll watcher

PRECINCT/WARD # n/a

POLLING PLACE NAME Leake County Circuit Court

ADDRESS 101 Court Square

CITY Carthage

STATE MS

ZIP 39051

COUNTY Leake

Please complete the fields below using your notes.

POLL SUPERVISOR Leake County Circuit Clerk: Kathy Y. Henderson

ASST POLL SUPERVISOR n/a

CLERK 1 NAME n/a

CLERK 2 NAME n/a

CLERK 3 NAME n/a

CLERK 4 NAME n/a

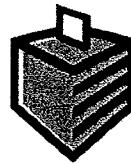
OFFENDER POSITION

DATE/TIME OF INCIDENT 7/7/2014 11:00 AM - 11:00 PM

Continue to Second Page

EXHIBIT 12-D

17 of 30



TRUE *the* VOTE

TYPE OF INCIDENT	Refusal of inspection by Absentee Ballot Application & Related Docs
DESCRIPTION OF INCIDENT	See Attached
REMEDY OR ACTION TAKEN	

I certify and affirm that the above information is true and correct.

SIGNATURE	<i>Susan Myers</i>
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Mail To:

True the Vote
P.O. Box 27378
Houston, Texas 77227

Scan and E-mail to:
info@truethevote.org

Attachment: Describing Incident
July 7, 2014

pg.1

el requested to inspect the original
absentee ballot applications, Absentee Ballot
Request Forms, Absentee Ballot Envelopes
and Poll Book for the June 24, 2014 Runoff.

Ms. Kathy Henderson requested we write down
exactly what she wanted. ~~but when~~ I did
& she indicated she would have to make a call
to check our right to access.

I mentioned our authority was under NVRA
& gave her Atty. Nogue's Memo dated July 6, 2014.
As we were waiting for her to make her call,
at approx 11:35 a.m. a Jordan Russell, came
in & said he was from the Cochran Campaign.
He took Yimin outside the office in the hall
& spoke to Yimin out of our presence. He mentioned
he wanted access to the room.

At noon, Ms. Henderson called us up to the Counter
to give us an update. She had spoken to the
Attorney General's office & had given Yimin one
memo from Atty. Nogue mentioned above. The AG's
opinion was that we did not have a right
to inspect the Ballot Box documents we requested
that only a candidate or a candidate rep. can
inspect these documents. She then asked if we

Attachment: Description of Incident

(2)

July 7, 2014

Had Cited Attorney in his office. She said no. She would call him back & let us know.

We left for a break at 2:00 & returned approx. 1pm. Mrs. Nordstrom said she had some answers for you but you're not going to like it. The AG's citation in its opinion is Miss. Code 2315-911 & requested by she talked to the Attorney General or someone else. She said it spoke to Phil Carter an Attorney in the Attorney General's Office.

I again re-iterated NVRA did authorize "public inspection" & we were citizens requesting to look at these documents. I showed her in Atty Hogue's memo of July 16, 2014 that the relevant language "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of . . ."

She understood but said Attorney told her this was different.

I informed her we needed to make a call & would return -

Susan Moore
Elli

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
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Plaintiffs,

V.

The Honorable Delbert Hosemann, in his official capacity as Secretary of State for the State of Mississippi, The Republican Party of Mississippi, Copiah County, Mississippi Election Commission, Hinds County, Mississippi Election Commission, Jefferson Davis County, Mississippi Election Commission, Lauderdale County, Mississippi Election Commission, Leake County, Mississippi Election Commission, Madison County, Mississippi Election Commission, Rankin County, Mississippi Election Commission, Simpson County, Mississippi Election Commission, and Yazoo County, Mississippi Election Commission

Defendants.

Cause No. 3:14-cv-00532-HTW-LRA

DECLARATION

By: Roy Nicholson

1. I, Roy Nicolson, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See 28 U.S.C. § 1746.*
2. In the days immediately following the June 24 Primary Run-Off Election, I requested access to voting poll books from Rankin County's Circuit Clerk, Becky Boyd. The purpose of the request was to determine whether or not voters who had

EXHIBIT 13

voted in the Democratic Primary unlawfully double voted in the Republican Primary Run-Off Election.

3. I made an oral request for the records in person at Ms. Boyd's office on June 27, 2014.

4. In the presence of three witnesses whose names are Sandra Inman, Larry and Elva Eubanks, Ms. Boyd informed me that she could not and would not permit me to access and inspect the voter poll books because the books contained information deemed by the Secretary of State to be confidential. She explained she was in possession of an e-mail from the Secretary of State instructing not to disclose poll books to the public with confidential information contained therein.

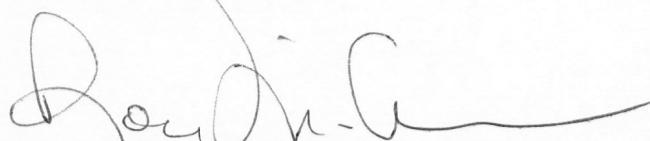
5. In addition to claiming the Secretary of State's instructions as reason to not allow us to even view the original poll books she added that the County Attorney told her that the poll books are not subject to public information requests because they are not public records but county property.

6. Ms. Boyd offered that she could only allow inspection of the poll books by the public if the dates of birth corresponding to each voter were redacted. She instructed that I had to pay for the cost of redaction and estimated the cost to be \$1,400. Ms. Boyd further instructed that the costs for such redaction must be paid up-front.

7. Based on Ms. Boyd's instructions, I was unable to access or inspect the voter poll books within Rankin County.

8. Further, declarant sayeth not.

Signed on this the 16th day of July, 2014 in RANKIN County,
Mississippi.



Roy Nicholson

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

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Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

Cause No. 3:14-cv-00532-HTW-LRA

**VERIFICATION REGARDING DESTRUCTION
OF ORIGINAL ELECTION RECORDS**

By: Phillip C. Harding III

1. "I, Phillip C. Harding III, verify under penalty of perjury under the laws of the United States of America that the following is true and correct. *See 28 U.S.C. § 1746.*
2. I served as district coordinator for District 4 in Harrison County.
3. I was at the Harrison County, Mississippi Circuit Clerk's Office on Friday June 27th, Monday June 30th, Tuesday and Wednesday July 1st and 2nd, and Monday-Friday

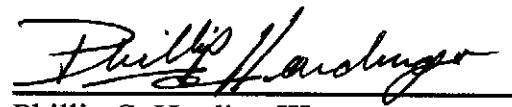
EXHIBIT 14

July 9-11, 2014 to review poll books related to the 2014 Republican Primary Election for Mississippi Senate office.

4. The County allowed me access to the poll books related to the election, however, the County required that I pay for personal information to be redacted from the poll books. Specifically, the County indicated that the birth dates of voters must be redacted.
5. I witnessed that the original poll books for Harrison County were being redacted with “Sharpie” (black permanent marker) and “White-Out” (white permanent ink). Thus, it appears that the information in the original copies of the poll books are being destroyed.

Further, declarant sayeth not.”

Signed on this the 15th day of July, 2014 in Harrison County, Mississippi.



Phillip C. Harding III

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

True the Vote, Jane Coln, Brandie Correro, §
Chad Higdon, Jennifer Higdon, Gene §
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Norma Mackey, Roy Nicholson, Mark §
Patrick, Julie Patrick, Paul Patrick, David §
Philley, Grant Sowell, Sybil Tribble, Laura §
VanOverschelde, and Elaine Vechorik §

Plaintiffs,
v.

Cause No. 3:14-cv-00532-HTW-LRA

The Honorable Delbert Hosemann, in his §
official capacity as Secretary of State for the §
State of Mississippi, The Republican Party of §
Mississippi, Copiah County, Mississippi §
Election Commission, Hinds County, §
Mississippi Election Commission, Jefferson §
Davis County, Mississippi Election §
Commission, Lauderdale County, §
Mississippi Election Commission, Leake §
County, Mississippi Election Commission, §
Madison County, Mississippi Election §
Commission, Rankin County, Mississippi §
Election Commission, Simpson County, §
Mississippi Election Commission, and Yazoo §
County, Mississippi Election Commission §

Defendants.

VERIFICATION TO MOTION FOR TEMPORARY RESTRAINING ORDER

TRUE THE VOTE

By: _____

1. "I, Phillip C. Harding III, verify the following is true and correct under penalty of perjury under the laws of the United States of America. *See 28 U.S.C. § 1746.*

2. I served as district coordinator for District 4 in Harrison County.

3. I was at the Harrison County Election Commission's Office Tuesday, July 1, 2014 on or about 2pm. I was assisting in cleaning out the supply bins that the poll managers used and restoring the pens, pencils, posters, etc.

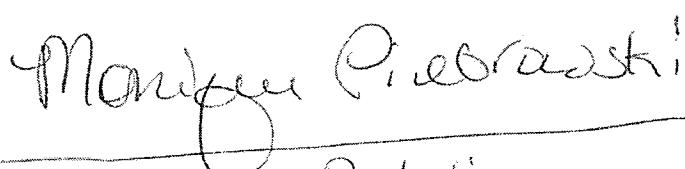
4. In a one of the bins I found a small stack of provisional ballots, unopened. I gave the provisional ballots to an Executive Committee member who took control of them. I also found absentee ballot bags in several of the supply bins. Some had opened envelopes and applications in them. I took the applications and envelopes out because I did not know what to do with them, but believed they should be saved. After setting them aside I saw another volunteer dispose of them at executive committee members' direction.

5. Further, affiant sayeth not."



Phillip C. Harding III

Executed on July 9th, 2014.

Sworn to and subscribed
Before me, this the 9th day of
July 2014. 

Monique Pietrowski
Notary Public



Connie C. Ladner

From: Amanda Frusha [Amanda.Frusha@sos.ms.gov]
Sent: Thursday, June 26, 2014 9:57 AM
To: Edward C. Walker; Joe Caldwell; Debbie Kirkland; Wanda Fancher; Kathy Graves; Marilyn Kelly; Carlton Baker; Durward Stanton; Sandra N. Willis; Peggy Reid Miller; Sammie Lee Good; Beth Doggett Jordan; Robert Harrell Jr; Charles A. Oakes; estevens@copiahcountyms.gov; Melissa Duckworth; dthompson@desotocountyms.gov; Lou Ellen Adams; Millie Thornton; Chad Welford; Cecelia Bounds; Linda M. Barnette; Karen Ladner Ruhr; Gayle Parker; Barbara Dunn; Earline Wright-Hart; Timaka J. Jones; Erlene Forther; Carol Gates; Joe W. Martin Jr; Billy G. Rayner; Arnell Harried; Clint L. Langley; Bart Gavin; Tracey Murray; Baretta Mosley; Leslie Wilson; Donna Jill Johnson; James Brister; Kathy G. Henderson; Joyce Roberts Loftin; Elmus Stockstill; Dustin Bairfield; mahalansalazar@hotmail.com; Lee Westbrook; Jesse Loftin; Lucy Carpenter; Judy K. Butler; lgmartin@duckwood.net; plee@neshobacounty.net; mbutternewton@hotmail.com; Freda Phillips; Glenn Hamilton; melissa@panolacoms.com; Vickie P. Hariel; Martha F. Clark; Roger A. Graves; Melinda Nowicki; Michael R. Kelley; Brenda A. Wiggs; Becky Boyd; Joe Rigby; Murindia Williams; Cindy M. Jensen; Anthony Grayson; Kenny Hatten; Sharon McFadden; slsims@hotmail.com; Eddie Hadskey; photonut_randyg@yahoo.com; Donna Henry Dill; Sharon Granberry Reynolds; Phyllis Stanford; Vernon Alford; Shelly Ashley-Palmetree; Barbara Esters; Rose M. Bingham; Deborah Hood Neal; J. Lynn Tolliver-Delaney; Kim T. Ming; Daryl Burney; Robert Coleman; Gayle Parker; lmckinley@co.hinds.ms.us; mtreadway@desotocountyms.gov; Melissa Meek-Phelps; myrobinson@yahoo.com; lbrumfield@co.forrest.ms.us; patkellystanley@hotmail.com; selmore@gfpdd.com; redlin@marshallcoms.org; ohubbard@marshallcoms.org; rmoore@marshallcoms.org; acraft@co.smith.ms.us; bsharpe@desotocountyms.gov; cluckett@co.hinds.ms.us; leeanna@co.warren.ms.us
Cc: Kim Turner; Hawley Rae Robertson; Grace Craig; Pamela Weaver
Subject: IMPORTANT: Please read! - Public Records requests for Election Day info
Attachments: Pollbooks and Receipt Books.rtf
Importance: High

Clerks,

Our office has received several calls regarding requests for information from Election Day. We wanted to remind you of the information below.

• **Public Records Request for pollbooks:** Pollbooks are subject to a written public records request; however, the pollbook pages must be redacted to exclude the personal information of the voter, such as date of birth and the last 4 of his/her social security number. If you receive a public records request, refer to your county policy, which should afford you a specific number of days to respond to the request and should also afford you the ability to require advance payment from the requestor for the time it may take your office to fulfill the request and for any expenses, such as copy charges.

• **Public Records Request for receipt books:** Receipt books are not subject to a public records request. Please see the attached Attorney General's opinion.

Let us know if you have any questions.

Thanks,
Amanda

Amanda Frusha
Director of Elections Compliance
Elections Division

Mississippi Secretary of State's Office



DELBERT HOSEMANN

Secretary of State

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FOR IMMEDIATE RELEASE: July 10, 2014

CONTACT: Pamela Weaver, (601) 270-4100

Statement by Secretary Hosemann regarding True the Vote Lawsuit, Round Two



DELBERT HOSEMANN
Secretary of State

TELEPHONE (601) 359-1350
FACSIMILE (601) 359-1499

"The State *still* does not have the records requested by the re-filed lawsuit and should be dismissed. The Mississippi Legislature enacted a law to protect your birth date and social security number from public dissemination. This out-of-state company wants your birth date or wants you, the taxpayer, to pay the redacting and copying for them. Your locally elected Circuit Clerks are following the law."

Contact Us

Secretary of State :: News and Press Releases

EXHIBIT 16

Senator F. Michael Gunn, 1994 WL 683385 (1994)

1994 WL 683385 (Miss.A.G.)

Office of the Attorney General

State of Mississippi
Opinion No. 94-0699
November 2, 1994

***1** Senator F. Michael Gunn
20th District
P.O. Box 31613
Jackson, MS 39286

Dear Senator Gunn:

The Attorney General has received your request for an opinion and has assigned it to me for research and reply. Your query (attached) was whether the list of voters voting in party primaries in Rankin County was available under the Open Records Act, whether local officials are required to respond in a timely manner and what recourse you have if the records are available under the Open Records Act and local authorities refuse to comply.

In response to your first question, the information you seek is not exempt from the Public Records Act. The pollbooks used in a particular election are public records and must be made available to the public. The pollbooks will have the word "voted" opposite the name of each voter who cast a ballot in the election. See [Mississippi Code Annotated, Section 23-15-545](#) (Revised 1990).

The "receipt booklet" which contains the signatures of each voter who voted is required to be locked and sealed in the ballot box along with the used and unused ballots and certain other materials. See [MCA 23-15-591](#). The "receipt booklets" therefore are, in our opinion, not subject to the Public Records Act.

We note that the 1994 primaries included congressional primaries and that such materials from elections involving federal offices must be preserved for a period of twenty-two (22) months following the election. See [42 USCA 1974](#).

In response to your second question, the county registrar is required to make the pollbooks containing the information sought available within one (1) day after a written request is made, unless the county board of supervisors has provided by proper order that county officials may take up to fourteen (14) working days to respond to such requests. See [MCA 25-61-5](#).

If a public official refuses to comply with a proper request in a timely manner, the person denied the record may institute suit in the chancery court of the county in which the public body is located. See [MCA 25-61-13](#).

Sincerely,

Mike Moore
Attorney General
By: Phil Carter
Assistant Attorney General

1994 WL 683385 (Miss.A.G.)

End of Document

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LeGecha McKinley

From:
Sent:
To:
Subject:

Donna Jill Johnson <circumlocution...>
Monday, July 07, 2014 8:51 AM
Donna Jill Johnson
FW: Monday 930am

-Original Message-----

From: Kim Turner [mailto:Kim.Turner@sdot.ms.gov]
Sent: Monday, July 07, 2014 8:50 AM
To: Donna Jill Johnson
Subject: RE: Monday 930am

Both the Cochran and McDaniel campaigns have served notice of an intention to review the ballot boxes pursuant to Section 23-15-911, Miss. Code Ann. The required three (3) days' notice was provided to both candidates - Senator Cochran's son received written notice on July 3 and Senator McDaniel's mother received written notice also on July 3. Notice is therefore not an issue today. Please remember:

1. If your county has NOT certified its election results to the State Party Executive Committee, neither Cochran nor McDaniel may review the contents of the ballot boxes.
2. A review of the ballot boxes is LIMITED to either the candidate (i.e., Senator Cochran and Senator McDaniel) or a designated representative only. Citizens for Cochran is a political action committee and has no legal right to review the ballot boxes unless an individual affiliated with this committee is Senator Cochran's designated representative. If more than one person per candidate has come to your office to review the ballot boxes, it is within your discretion to allow these additional people to review the ballot boxes.
3. A ballot box examination must be completed within 12 days AFTER your county certified its election results to the State Party Executive Committee. If you certified your election results immediately after the election (on June 25), then today is the only day either candidate may review the ballot boxes.
4. Your office is charged with the security of these ballot boxes. Either the Circuit Clerk or a deputy must keep watch during the entire process.
5. The election commission is not entitled to be present. The executive committees are not entitled to be present.
6. As the Circuit Clerk, you are entitled to provide guidelines to each candidate for the orderly review of the contents of the ballot boxes.
7. There is absolutely NO DUPLICATION OF THE CONTENTS OF THE BALLOT BOXES. No copies may be made by either candidate. No cell phone pictures may be taken by either candidate. No video may be made of the examination of the ballot boxes by either candidate. Neither candidate may "bring in a copier and additional personnel" to make copies.
8. Pollbooks are NOT included within the contents of the ballot boxes. Section 23-15-591, Miss. Code Ann., specifies what are the contents of the ballot boxes.
9. Senator Cochran sometime this week-end sent a second letter to all circuit clerk offices. This is a PROPER request for a copy of each pollbook for the Republican Primary Runoff Election on June 24, the Primary Election on June 3 and the Democratic Primary Election on June 3. As stated in his letter, provide to Mr. Garriga an ESTIMATE of the total cost of producing the copies, with dates of birth REDACTED, and send the estimate. Once Mr. Garriga forwards payment to your office of the estimate cost, then you must produce and provide the copies. Please note your county's public record policy to know the exact period of time by which you must respond to Mr. Garriga. Policies provide 7 days - If you don't know your county policy, contact your county attorney.

Hawley, Anna
General's Office.

Kimberly P. Turner, Esq.
Assistant Secretary of State, Elections Division

Office of the Mississippi Secretary of State
401 Mississippi Street
Post Office Box 135
Jackson, Mississippi 39205
Direct Dial: (601) 359-5137
E-mail: kim.turner@sos.ms.gov

-----Original Message-----

From: Donna Jill Johnson [mailto:circuitclerk@lauderdalecounty.org]
Sent: Monday, July 07, 2014 7:41 AM
To: Kim Turner
Subject: Monday 930am

Got another fax.....fixing to send to all....Would a conference call benefit, plus email ?

dj

-----Original Message-----

From: Kim Turner [mailto:Kim.Turner@sos.ms.gov]
Sent: Sunday, July 06, 2014 4:09 PM
To: Donna Jill Johnson
Subject: Re: Monday 930am

Sure. I'll work on something tonight and will email to you from my phone later to circulate.

Sent from my iPhone

On Jul 6, 2014, at 2:15 PM, "Donna Jill Johnson"
<circuitclerk@lauderdalecounty.org<mailto:circuitclerk@lauderdalecounty.org>>
> wrote:

Both groups are expected in all 82 offices Monday at 9:30am. Would you like to do a simplified list of "do and don't list" so we hope to be on the same page?

Re attached faxed correspondence.

00070614canvass-07062014141139.pdf>

Information contained in this email is not an official opinion. You should not consider anything in this email from the Mississippi Secretary of State's Office to be legal advice.